

**Johnathan E. Mansfield, Bar, No. 05539**

Email [jmansfield@schwabe.com](mailto:jmansfield@schwabe.com)  
Schwabe, Williamson & Wyatt, P.C.  
Pacwest Center  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204  
Telephone 503.222.9981  
Fax 503.796.2900

Attorneys for Plaintiffs, TNW Firearms, Inc.  
and Timothy S. Bero

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**TNW FIREARMS, INC.**, an Oregon  
Corporation, and **TIMOTHY S. BERO**, an  
**individual**,

Plaintiff,

vs.

**TACTICAL MANUFACTURING, INC.**,  
a dissolved Oregon Corporation,

Defendant.

No. 10-cv-01245-AC

**DECLARATION OF JOHNATHAN E.  
MANSFIELD IN SUPPORT OF  
PLAINTIFFS' REQUEST FOR CLERK TO  
ENTER ORDER OF DEFAULT**

I, Johnathan E. Mansfield, declare the following in support of Plaintiffs' Request for Clerk to Enter Order of Default.

1. Defendant Tactical Manufacturing, Inc. ("Defendant") was served with the summons and complaint in this case on October 13, 2010, by personal service on Scott W. Koller, owner of TNW, at 57319 Hazen Road, Warren, Oregon 97053. *See* Docket Entry 4.

2. I have emailed and spoken with Mr. Koller numerous times since October 13, 2010, in an effort to settle the case. In many of these emails and calls, I have informed him of the 21 day deadline for answering or otherwise responding to the complaint.

3. On November 9, 2010, I emailed Mr. Koller on behalf of Defendant and informed him that if he did not settle or answer/respond, we would take a default. The email address, [kscott1090@msn.com](mailto:kscott1090@msn.com), is the email address I have used for several emails with Mr. Koller, to which he responded. Below is a true and correct copy of the email sent to Mr. Koller on November 9, 2010.

**From:** Mansfield, Johnathan E.  
**Sent:** Tuesday, November 09, 2010 10:55 AM  
**To:** 'SCOTT KOLLER'  
**Subject:** RE: TNW v. Tactical

It isn't available on line. Please make this simple and email me whatever you UPS'd.

**This is notice that if by 5 pm on this Friday, November 12, 2010, you have not (1) answered or otherwise responded to the complaint in this case, *TNW Firearms, Inc. v. Tactical Manufacturing, Inc.*, CV 10-1245 AC (D. Or.), or (2) accepted the offer set out below, we will ask the clerk to enter a notice of default.**

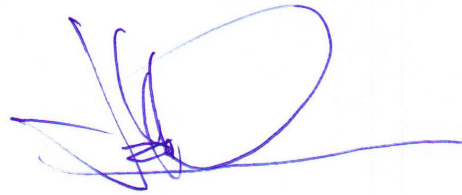
**JOHN MANSFIELD | Attorney**  
**SCHWABE, WILLIAMSON & WYATT**  
1211 SW 5th Ave., Ste. 1900 Portland, OR 97204  
Direct: 503-796-2088 | Fax: 503-796-2900 | Cell: 503-737-4717 | Email:  
[jmansfield@schwabe.com](mailto:jmansfield@schwabe.com)  
Assistant: Noreen Murphy | Direct: 503-796-7472 | [nmurphy@schwabe.com](mailto:nmurphy@schwabe.com)  
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4. Despite the numerous warnings I gave Mr. Koller, no answer or other pleading responsive to the complaint has been filed by Defendant in this case as of the date of this declaration.

Dated this 15<sup>th</sup> day of November, 2010.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.



By:

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Johnathan E. Mansfield, OSB #055390  
Telephone 503.222.9981  
Of Attorneys for Plaintiffs

Trial Attorney: Johnathan E. Mansfield

**CERTIFICATE OF SERVICE**

I am a resident of the State of Oregon, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 1211 SW Fifth Avenue, Suite 1900, Portland, Oregon, 97204. On the date listed below, I served the following document titled: **DECLARATION OF JOHNATHAN E. MANSFIELD IN SUPPORT OF PLAINTIFFS' REQUEST FOR CLERK TO ENTER ORDER OF DEFAULT**, in the manner indicated:

☒ by placing the document listed above in a sealed envelope to the address set forth below with first class postage thereon fully prepaid and deposited said envelope with the United States Postal Service on the same date set out below.

Tactical Manufacturing, Inc.  
c/o Scott W. Koller  
57319 Hazen Rd.  
Warren, OR 97053

Defendant

**VIA U.S. MAIL**

I declare under penalty of perjury under the laws of the State of Oregon that the above is true and correct.

Executed December 15, 2010, at Portland, Oregon.

s/ Johnathan E. Mansfield  
Johnathan E. Mansfield